

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATTHEW C. DAVIDSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C07-5320FDB

ORDER DENYING CERTIFICATE  
OF APPEALABILITY

Petitioner appealed his November 3, 2004 conviction of being a felon in possession of a firearm, conspiracy to obstruct justice, and obstruction of justice, and he was sentenced on March 17, 2005 to 235 months' imprisonment. Petitioner's appeal to the Ninth Circuit was denied, and he then filed a 2255 petition. This petition was denied based on the Ninth Circuit having already decided the Sixth Amendment issue that he raised and because Petitioner had defaulted on the five other claims that he raised. Petitioner now seeks a certificate of appealability.

Petitioner has failed to demonstrate at least

that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.

*Nardi v. Stewart*, 354 F.3d 1134, 1138 (9<sup>th</sup> Cir. 2004)(quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)). Accordingly, Petitioner's motion for a certificate of appealability must be denied.

NOW, THEREFORE, IT IS ORDERED: Petitioner's Request for Certificate of Appealability, which is combined with his Notice of Appeal [Dkt. # 11] is DENIED.

DATED this 7<sup>th</sup> day of November 2007..



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE